

REMARKS/ARGUMENTS

Independent Claims 1, 5, 9 and 15 have been amended to advance prosecution by more specifically claiming the invention. In particular, Claims 1, 5, 9 and 15 recite that the color pigment is magenta pigment or yellow pigment. Claims 1, 5, 9 and 15 have also been amended to delete the term "about" before the 4.5 percent upper color pigment weight limitation.

Support for the 4.5% magenta pigment or yellow pigment can be found in Table 1 on page 6 of the Specification.

Claims 16-19 have been cancelled as being redundant in light of the above amendments to independent Claims 1, 5, 9 and 15.

Upon entry of these amendments, Claims 1-15 are pending in the present application. No additional claims fee is believe to be due.

Rejections Under 35 U.S.C. §1.12

In the Office Action of January 13, 2006 the Examiner rejected Claims 1-15 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner states that the phrase "4 percent to about 4.5 percent color pigment having aromatic rings" fails to satisfy the above cited statute. In response to this rejection, Applicants have amended each of the independent claims (i.e., Claim 1, 5, 9 and 15) to specify that the thermal inkjet ink comprises from "4 percent to 4.5 percent color pigment having aromatic rings, wherein said color pigment is magenta pigment or yellow pigment." In light of the above amendments to Independent Claims 1, 5, 9 and 15, the rejections of Claims 1-15 under 35 U.S.C. §112 first paragraph should no longer be applicable, and it is respectfully requested that they be withdrawn.

Art Rejections

Claims 1-8, 15-17, and 19 have been rejected under 35 U.S.C. §102(e) as being anticipated by Sun et al. (U.S. 2004/0127619). Applicants submit that in light of the above amendments and the following arguments, the above identified reference would not anticipate and/or have led one skilled in the art to the invention as set forth in the claims.

The Examiner states that the Sun et al. reference discloses pigment in the amount of from about 2 to about 5%. However, Sun et al. discloses that most preferably the pigment is about 3% by weight (paragraph 33). Moreover, the weight of the pigment specified in the examples of Sun et al. is also 3% by weight of the ink compositions. Whereas, the claims as amended herein, require that the pigment be from 4 to 4.5% by weight of the ink composition. This narrow range falls outside of the preferred range of Sun et al. as well as outside the specific examples described therein.

Furthermore, it is well settled that if the claims are directed to a narrow range, a reference like Sun et al. which teaches a broad range does not constitute an anticipation of the claims. See MPEP §2131.04. Therefore, the anticipation rejection is not supported by the reference and it should be withdrawn.

Next, Claims 1, 3, 9, 11-12, 14-17, and 19 have been rejected under 35 U.S.C. §102(e) as being anticipated by Sacoto et al. (U.S. 2004/0102541). Applicants submit that in light of the above amendments and the following arguments, the above identified reference would not anticipate and/or have led one skilled in the art to the invention as set forth in the claims.

The Examiner states that the Sacoto et al. reference discloses pigment in the amount of from about 2 to about 6. The weight of the pigment in the examples of Sacoto et al. is 3% by weight of the ink compositions. Whereas, the claims as amended herein, require that the

pigment be from 4 to 4.5% by weight of the ink composition. This narrow range falls outside of the preferred 3% by weight disclosed in Sacoto et al. as described in the examples therein.

Furthermore, it is well settled that if the claims are directed to a narrow range, a reference like Sacoto et al. which teaches a broad range does not constitute an anticipation of the claims. See MPEP §2131.04. Therefore, the anticipation rejection is not supported by the reference and it should be withdrawn.

Next, Claims 1-8, 15-17, and 19 have been rejected under 35 U.S.C. §102(e) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as obvious over Akers, Jr. et al. (U.S. 6,652,634). Applicant submits that in light of the above amendments and the following arguments, the above identified reference would not anticipate and/or have led one skilled in the art to the invention as set forth in the claims.

The Examiner states that the Akers, Jr. et al. reference discloses pigment in the amount of from about 2 to about 6%. The weight of the pigment in the examples of Akers, Jr. et al. is 3% by weight of the ink compositions. Whereas, the claims as amended herein, require that the pigment be from 4 to 4.5% by weight of the ink composition. This narrow range falls outside of the preferred 3% by weight disclosed in Akers, Jr. et al. as described in the examples therein.

Furthermore, it is well settled that if the claims are directed to a narrow range, a reference like Akers, Jr. et al. which teaches a broad range does not constitute an anticipation of the claims. See MPEP §2131.04. Therefore, the anticipation rejection is not supported by the reference and it should be withdrawn.

Next, Claims 9-14 and 18 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Akers, Jr. et al. (U.S. 6,652,634). Applicant submits that in light of the

above amendments and the following arguments, the above identified reference would not have led one skilled in the art to the invention as set forth in the claims.

The Examiner applies dispersants D and E of this reference, with molar ratios of 9:1:1 and 15:1:1, respectively of the MAA to TRISA to NPHPPG. In contrast, Independent Claim 9 limits the ratio to at most 3:1 by mole of the MAA to TRISA and NPHPPG combined. D is 4.5 to 1 (i.e., 9 divided by 2), well above the claimed amount, and E is 7.5, even more above the claimed amount. Thus, the closest embodiments with respect to the claims do not overlap the claims with respect to this important ratio.

The Examiner states that the Akers, Jr. et al. reference discloses pigment in the amount of from about 2 to about 6%. As discussed above, the weight of the pigment in the examples of Akers, Jr. et al. is 3% by weight of the ink compositions. Whereas, the claims as amended herein, require that the pigment be from 4 to 4.5% by weight of the ink composition. This narrow range falls outside of the preferred 3% by weight disclosed in Akers, Jr. as described in the examples therein. In other words, the claims as amended herein claim significantly higher pigment in a limited range than disclosed in the specific examples of Akers Jr. et al.

Importantly, motivation to select a higher amount of pigment cannot be assumed, as elements of the claims, specifically the dispersant as just discussed, are unique with respect to obviousness. This rebuts the presumption of obviousness. See MPEP §2144.05. Thus, the rejection of Claims 9-14 for obviousness is not supported by this reference and it should be withdrawn.

Conclusions

For the foregoing reasons, Applicants submit that the pending claims, as amended herein, fully comply with the written description requirement. Moreover, Applicants submit

that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefore and authorizes that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (317) 894-0801.

Respectfully submitted,



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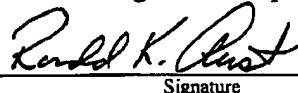
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MS Amendments, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: April 12, 2006.

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April 12, 2006
Date